

1 HONORABLE RICHARD A. JONES

2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 PETER JAMES CARR,

10 Petitioner,

11 v.

12 RONALD HAYNES,

13 Respondent.

Case No. C17-1326 RAJ

ORDER DISMISSING FEDERAL  
HABEAS ACTION

14  
15 The Court has reviewed petitioner's 28 U.S.C. § 2254 habeas petition,  
16 Respondent's answer to the petition, the Report and Recommendation of Mary Alice  
17 Theiler, United States Magistrate Judge, Petitioner's objection to the Report and  
18 Recommendation, and the remaining record. The Court concurs fully in the  
19 recommendations of the Report and Recommendation. Petitioner's objection is largely a  
20 recitation of the same insufficiency of evidence arguments for both counts that were  
21 considered and rejected by both the Washington State Court of Appeals and Judge  
22 Theiler, in her well-reasoned R&R.

23 The only other argument that this Court can discern from Petitioner's objection is  
24 an assertion that the jury did not understand the law with respect to Count II  
25 (Communication with a Minor for an Immoral Purpose) because it asked the trial court to  
26 define the term "immoral purposes of a sexual nature" and the trial court declined. Dkt. #  
27 29 at 28. Petitioner appears to believe this to be an error by the trial court, but gives no

1 legal support for why this should be the case. Petitioner does not provide any other  
2 evidence of juror confusion, or allege any other error. Petitioner's argument also does  
3 not change or challenge the fact that the Washington Court of Appeals, applying the  
4 correct legal standards and considering the full evidentiary record, concluded that a  
5 "reasonable trier of fact could conclude beyond a reasonable doubt that Carr  
6 communicated with K.W. for the predatory purpose of promoting her exposure to and  
7 involvement in sexual conduct." *State v. Carr*, 179 Wash. Ct. App. 1031, at \*4 (Feb. 18,  
8 2014); Dkt. # 28 at 10-11. Even if this Court assumes that an error exists, Petitioner fails  
9 to demonstrate how the alleged error by the trial court was anything but harmless.

10 Accordingly, the Court adopts the Report and Recommendation (Dkt. # 28),  
11 **DENIES** Petitioner's objection (Dkt. # 29), **DISMISSES** this habeas petition with  
12 prejudice, and **DECLINES** to issue a certificate of appealability. The clerk shall enter  
13 judgment for Respondent and ensure that Judge Theiler receives notice of this order.

14  
15 DATED this 23rd day of July, 2018.

16  
17  
18 

19 The Honorable Richard A. Jones  
20 United States District Judge  
21  
22  
23  
24  
25  
26  
27  
28